

SENTENCING**DATE: December 15, 2020****USA v. Kenneth Johnson****CASE NUMBER: 3:17cr130****Plaintiff's Attorney: AUSA, Sheila Lafferty****Defendant's Attorney: Aaron Durden****Probation Officer: Amy Shamp**

Defendant appeared with counsel via video conference. The Court discussed with counsel for defendant and defendant the defendant's right to appear in person for this proceeding. Defendant wishes to proceed today via video conference.

PL	DF	Item	Attorney	Exam	Time	Exhibit		
						Identified	Offered	Admitted
X		Officer Dustin Phillips, witness called to testify - Witness sworn in by the Court - No further questions	Lafferty	Direct	1:59 1:59 2:26			
		Dialogue between the Court and defendant Recess taken Court reconvened Dialogue between the Court, Court reporter, and counsel for defendant			2:26 2:27 2:38 2:38			
	X	Officer Dustin Phillips, witness - No further questions - No further questions by government counsel	Durden	Cross	2:39 2:52 2:52			
		Officer Dustin Phillips, witness - Questioning by the Court			2:52 2:52			
	X	Officer Dustin Phillips, witness - No further questions - Witness dismissed	Durden	Recross	2:52 2:54 2:55			

Counsel and defendant have reviewed the PSI. Four objections to the PSI. Dialogue between the Court and defendant. Dialogue between the Court and counsel for defendant. Dialogue between the Court and defendant. Counsel for defendant made statement. Government counsel made statement. Counsel for the defendant made further statement. Statement by the Court. The objections are overruled.

Counsel for defendant made no statement. Government counsel made statement. Statement by the Court.

Counts 2s, 3s, 4s, 5s, and 6s dismissed.

Defendant remanded to the custody of the Attorney General of the United States/Bureau of Prisons for:

108 months on Counts 1s.

Fined \$ 0 due to inability to satisfy, hardship on dependents, and community service to be ordered on Count 1s of the Superseding Indictment.

\$100.00 Special Assessment to Victims Crime Fund to be paid immediately.

8 years Supervised Release on Count 1s. If, after the 5 year mark, the probation officer believes that defendant has gained the maximum benefit from supervision, a motion for early termination should be presented to the Court for consideration.

Follow the rules and regulations of the Probation Department.

Defendant must report to supervising agency within 72 hours of release from institution.

Defendant must not commit any crimes, federal, state, or local.

Defendant must not own, possess, use, or traffic in any controlled substance, firearm, or dangerous weapon.

Defendant must make himself available for substance abuse testing at least once during the first 15 days of supervision and no fewer than twice thereafter and treatment, in-patient or out-patient, if requested by probation officer. The defendant shall make a co-payment for treatment services not to exceed \$25.00 per month, which is determined by the defendant's ability to pay.

Defendant shall seek and maintain employment and/or be involved in a verified, certified course of job training and/or participate in furthering his education at a minimum to obtain his GED certificate if not obtained while incarcerated throughout the period of supervision.

100 hours of community service with an agency and on a schedule agreed upon by the Defendant and the Probation Department over the first two (2) years of Supervision. The Court will substitute each hour spent in a verified, certified course of Job Training or each hour spent in a verified, certified course of furthering his education for one hour of Community Service on a 1:1 ratio.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant is to support his minor children through a valid court ordered child support order. The United States Probation Office is to assist the defendant in entering into such an order.

The defendant is to receive a mental health assessment and counseling, if deemed necessary. The defendant shall make a co-payment for treatment services not to exceed \$25 per month, which is determined by the defendant's ability to pay.

The defendant is to receive cognitive behavioral therapy/thinking for a change/critical thinking skills/moral reconnection therapy.

The defendant is to establish contact with the Montgomery County Office of Ex-Offender Reentry within 72 hours of release, to enroll in the Reentry Career Alliance Academy.

The defendant is not to drive without a valid driver's license.

The defendant is to study and sit for his GED certificate if not obtained while incarcerated.

Defendant's right of appeal explained and the defendant indicated an understanding of same.

RECOMMENDATIONS TO BOP:

The Court recommends that the defendant be given credit for all allowable pre-sentence jail-time served.

The Court recommends that the defendant be incarcerated as close to his home in the Dayton, Ohio area as possible consistent with his security status.

The Court recommends that the defendant receive a mental health assessment and counseling, if deemed necessary.

The Court recommends that the defendant be made eligible for and enrolled in any and all drug treatment.

The Court recommends that the defendant receive any available job training.

The Court recommends that the defendant receive cognitive behavioral therapy/critical thinking skills/moral reconnection therapy/thinking for a change.

The Court recommends that the defendant not be designated in the same facility as any of his related defendants.

The Court recommends that the defendant study and sit for his GED certificate.

Dialogue between the Court and defendant. Statement by defendant.

 X Remanded to the Custody of the United States Marshal

OTHER: Neither counsel for the defendant nor for the government had any procedural or substantive objections to this Court's sentence.

COURT REPORTER: Debra Futrell
DEPUTY CLERK: Tisha Parker

CONVENED: 1:53/2:38
RECESSED: 2:27